

**REMARKS**

Claims 1-20 are pending in the application.

Claims 1-20 have been objected to because of informalities. The examiner suggested removing the reference numerals from the claims due to the elected species. Applicant disagrees that it is necessary to remove the reference numerals as the invention is not limited to Species II. The reference numerals in claim 1 for example are representative of both embodiments and are found in both groups of drawings (Figs. 1-3 and Figs. 4-7).

Claims 1-20 have been rejected under 35 USC 112, second paragraph as being indefinite. In claim 1, the examiner finds the phrases “and/or” and “whereby” in line 11 to be indefinite. In claim 3, the examiner finds the phrases “at least one wedge protruding in the direction of the pivot axis” and “that opens into a step” to be indefinite. These claims have been corrected in the amendment.

Reconsideration of the rejection of claims 1-2, 12, 13, 16, 17 and 20 under 35 USC102(b) as being anticipated by US Patent No. 6,520,046 to Djordjevic al is respectfully requested.

Claim 1 is directed to an accelerator pedal module (1) for controlling the power of a driving engine, in particular an internal combustion engine of a vehicle, comprising,  
a bearing block (4),  
a pedal lever (2) held rotatably about a pivot axis (20) by means of a pivot connection on the bearing block (4)  
bearing block stop means (30) on the bearing block,

pedal lever stop means (58) on the pedal lever in position to engage the bearing block stop means (30), wherein said pivot connection is established by relative rotation about said pivot axis between the pedal lever (2) and the bearing block (4) at a point during said relative rotation when the pedal lever stop means slides past said bearing block stop means from a position in front of said bearing block stop means to a position behind said bearing block stop means, and

*elastically deformable means for elastically deforming in a region of at least one of said bearing block stop means or said pedal lever stop means during establishment of said pivot connection* thereby allowing said pedal lever stop means to slide past said bearing block stop means during deformation of said elastically deformable means and after springing back from deformation said pedal lever stop means engages behind said bearing block stop means.

Djordjevic is relied upon for showing bearing block 14 with pedal lever 12 pivotally engaged with the bearing block, first stop means 20 on the bearing block 14, and second stop means 21 on the pedal lever 12. The pedal lever stop 21 and the bearing block stop 20 merely prevent the pedal lever and bearing block from becoming pivotally disengaged. The pedal lever stop is resiliently prestressed against the bearing block stop 20 (by spring assembly 16).

The accelerator pedal of Djordjevic is supported in the conventional way with the aid of the shaft 34. Upon assembly the shaft must be inserted through the bores that are provided in the pedal lever 12. In Djordjevic there are no stops, acting between the pedal

lever and the bearing block, that yield upon assembly and then return to their original position again so that the pedal lever can be easily connected to the bearing block.

In the pedal module according to the invention, due to the elasticities in the region of the pedal lever stop means and/or in the region of the bearing block stop means, the pedal lever 2 can be easily put together with the bearing block 4 during the establishment of the pivot connection.

Djordjevic lacks any element which elastically deforms during pivotal engagement of the pedal lever with the bearing block. Clearly the examiner is interpreting the phrase “elasticities in the region of the pedal lever stop (58) and/or bearing block stop (30)” very broadly. Therefore claim 1 has been amended to more distinctly claim the invention in order to distinguish the invention over the prior art. The accelerator pedal module of claim 1 which includes *elastically deformable means for elastically deforming in a region of at least one of said bearing block stop means or said pedal lever stop means during establishment of said pivot connection thereby allowing said pedal lever stop means to slide past said bearing block stop means during deformation of said elastically deformable means and after springing back from deformation said pedal lever stop means engages behind said bearing block stop means* is not in the least anticipated by Djordjevic. Therefore withdrawal of the rejection and allowance of the claims is respectfully requested.

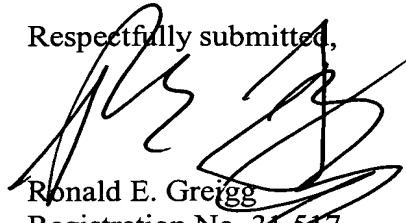
The applicant appreciates the examiner's indication that claim 3 would be allowable if rewritten in independent form and amended to overcome the rejection under 35 USC 112, and that claims 4-11, 14, 15, 18 and 19 are objected to for being dependent

Appl. No. 10/734,205  
Amdt. dated April 6, 2007  
Reply to Office action of January 9, 2007

on a rejected base claim but would also be allowable. Claims 3 has been rewritten in independent form and amended to overcome the rejection under 35 USC 112, as discussed above.

Entry of the amendment and allowance of the claims is respectfully solicited.

Respectfully submitted,



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